

Safe Chemicals Act of 2013

Sen. Lautenberg and Sen. Gillibrand

Americans deserve to know that the chemicals used in consumer products are safe. Yet due to our broken chemical laws, tens of thousands of chemicals remain in everyday products, such as cleaners, food containers, furniture, and even children's products, without being tested for safety. The Safe Chemicals Act would protect American families by reforming the Toxic Substances Control Act (TSCA) to ensure that all chemicals are evaluated by safety.

Today, more than 84,000 chemicals are on the Environmental Protection Agency's (EPA) inventory of chemicals in the U.S., and an average of more than 700 new chemicals are introduced each year. The existing law regulating the safety of these chemicals—TSCA—is so broken that the Government Accountability Office placed it on its list of “high risk” areas of the law in a 2009 report. As a result, the Centers for Disease Control and Prevention (CDC) has found more than 212 industrial chemicals in Americans' bodies, including at least six known carcinogens and dozens that are linked to cancer, birth defects, and other diseases.

Under TSCA, EPA's ability to protect human health and the environment from harmful chemicals is severely limited. These legal restrictions are so burdensome that, of the more than 84,000 chemicals on the inventory, EPA has been able to require health and safety testing of about 200, and banned only five, since TSCA was first enacted in 1976.

That is why Americans overwhelmingly support legislation to reform TSCA. Recent polling shows strong bipartisan support across the country, as well as strong support from small business owners.

- 77 percent of Americans support TSCA reform legislation, according to a recent poll by Republican firm Public Opinion Strategies: http://pos.org/documents/12368_national_key_findings_final.pdf
- 75 percent of small business owners support stronger regulations on toxic chemicals: <http://asbcouncil.org/toxic-chemicals-poll>

The Safe Chemicals Act of 2013 would fix each of the core failings of TSCA. It is identical to the legislation that was sponsored by 30 Senators and reported favorably out of the Environment and Public Works Committee in the 112th Congress. Compared to earlier versions of the legislation, it includes a number of significant changes that reflected input from a broad range of stakeholders including federal agencies, state governments, the chemical industry, and public health advocates. Specifically, it would:

- Establish a Risk-Based Chemical Management System Based on Sound Science: The Safe Chemicals Act requires EPA to evaluate chemicals based on risk, which includes both the hazard of the chemical and its exposure. The safety standard ensures that there is a reasonable certainty that no harm will be caused to human health or the environment from the aggregate exposure to the chemical. All safety standard determinations must be made using the best available science according to recommendations of the National Academy of Sciences.

- Focus Attention on Priority Chemicals: To ensure the greatest benefit to public health and the least burden on industry, EPA is directed to focus its limited resources on priority chemicals. Specifically, EPA is required to update the inventory of commercially produced chemicals, divide those existing chemicals into batches for review, and then prioritize those chemicals for safety evaluation based on existing information.
- Secure Access to Health and Safety Data: Under the Safe Chemicals Act, EPA is required to rely first on existing information when making safety and priority determinations. This reduces testing costs and redundancy. However, when existing health and safety data is insufficient, EPA has the authority to require additional testing through order, which is a key shortcoming of the existing law. In addition, EPA will establish regular use reporting, similar to its current efforts under the Chemical Data Reporting (CDR) rule, to provide better understanding of the health effects and uses of chemicals.
- Protect Americans from Harmful Chemicals: If EPA determines that a chemical fails to meet the safety standard, the agency has authority to implement a wide range of risk management approaches through regulation, including requiring warning labels, limiting specific uses, or even prohibiting the manufacture of toxic chemicals. This corrects a key flaw of TSCA, which has prevented EPA from taking action to restrict uses of unsafe chemicals, even when there is broad agreement that the chemical poses a serious health risk. Exemptions are allowed for national security purposes, significant economic disruption, or if there are not feasible safer alternatives for critical uses.
- Promote Innovation and Protect Confidential Business Information: Chemical manufacturers are able to bring new chemicals into commerce on the same timeframe as exists under current law. This allows for innovation in the industry, while still ensuring that new chemicals are screened for safety. The Safe Chemicals Act also maintains trade secrets through robust protections for confidential business information, while still providing public access to non-proprietary health and safety data.

There is broad agreement that TSCA must be reformed and modernized. The Safe Chemicals Act of 2013 is a common-sense approach that will protect American families from toxic chemicals, while providing the market certainty of a clear national chemical management system. It reflects years of input through Congressional hearings, as well as principles for TSCA reform that have been issued by the Environmental Protection Agency, the American Chemistry Council, and the Safer Chemicals, Healthy Families Coalition.

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